

Fox tenant files lawsuit over lease

83-year-old 'Phantom' suing theater because of change in terms.

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The man known as the Phantom of the Fox Theatre is now suing his landlords for changing the terms of his lease.

Joe Patten, 83, is accusing Atlanta Landmarks, which runs the historic theater in Midtown, of "willful, intentional and deliberate acts of housing discrimination." Patten signed a lease with Atlanta Landmarks in 1979 allowing him to live in renovated office space in the theater rent free for the rest of his life.

The Fox's board of trustees voted in August to change that lease, saying Patten could live there "as long as he is able." In other words, Patten can remain there until he can no longer live independently.

"We continue to be concerned for Joe," Fox Theatre spokeswoman Kristen Delaney



Joe Patten, known as the Phantom of the Fox, signed a lifetime lease for his apartment at the Fox Theatre in 1979, but the board of trustees altered that agreement in August. **Phil Skinner** pskinner@ajc.com

said in a statement Tuesday. "Our position still stands that Joe is welcome to continue to live in the apartment for as long as he is able."

The Aug. 26 meeting came after Patten returned from a stay in the hospital and in a rehabilitation center after a mild stroke. Patten then received a letter from Woody White, president of Atlanta Landmarks, ask-

ing him to seek out an "assisted living residence."

White is also named in the lawsuit, which was filed Monday in Fulton County Superior Court.

The suit asks that Atlanta Landmarks pay for damages — including punitive damages — as well as attorney's fees and

Fox continued on B8

Longtime tenant files suit over lease

Fox

continued from B1

additional costs associated with litigation.

Patten's attorney, Emmet Bondurant, is asking for a jury trial, according to the lawsuit.

Patten's original lease could be terminated if he became permanently disabled for 180 days or more and a panel of three doctors said he should be hospitalized.

The lease also could be terminated if two-thirds of the Atlanta Landmarks board voted to do so, which is what happened in August.

In an interview Monday night with AM 750 and **now** 95.5 FM News/Talk WSB, Bondurant said Atlanta Landmarks broke the contract.

"He will not be bullied; he will not be intimidated," Bon-

durant said.

Fox Theatre general manager Allan Vella said in early September that the board was open to negotiating the new lease, telling the AJC that there's "very little" that couldn't be worked out.

But Delaney, the Fox's spokeswoman, said Patten had declined to discuss the lease with the board.

"We are very disappointed as Joe has rejected every overture to discuss this matter and to negotiate an amicable agreement," she said.

Bondurant told WSB Radio that Patten wanted the Fox to scrap the new lease and go back to the old one. He also said the lawsuit came after fair warning.

"We gave the trustees of the Fox an opportunity to rescind the termination of Joe's lease, telling them that what they had done constituted a clear violation of the Georgia Fair Housing Act," Bondurant said. "We wanted to give them a face-saving way out — to rescind their action on their own and reinstate the lease. We had no alternative but to do precisely what we said we would do, which is if you refuse, then we will be compelled to sue you."